



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: 1 February 2003

Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. **INTRODUCTION:** The City of Salinas, Recreation-Parks Department, 200 Lincoln Avenue, Salinas, California 93901-2639, [contact Mr. Ed Piper, (831) 758-7209] has applied for a Department of the Army permit to construct the Natividad Creek Storm Water Detention Facility by restoring wetlands to act as a storm water detention basin along lower Natividad Creek in the City of Salinas, Monterey County California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the project site is located on Natividad Creek northeast of East Laurel Drive and southwest of the Monterey County Public Works service Center. An apartment complex and single-family residences, bounded by Gee Street and Garner Avenue, border the southeast side of the site. Historically, the project site has been cultivated and was part of a series of agricultural operations that spanned the low-lying Gabilan and Natividad Creek alluvial valleys between Carr Lake and the Gabilan Mountains. After farm operations ceased, the site was used informally for soil and debris disposal. On the northwest side of the channel is a 4.27-acre wetland (See figure 2). In the southeast corner of the site an 11.35-acre pond connects to the channel. The pond was constructed approximately 15 to 20 years ago for recreation and stormwater detention.

The Natividad Creek channel in the project area is approximately 1,400 feet long, has been channelized, straightened, and is contained within 10-foot high levees. The creek channel flows under East Laurel Drive into Carr Lake, which is maintained in a dry condition by the Reclamation Ditch (upper Tembladero Slough). During periods of storm runoff

Carr Lake is susceptible to flooding. When Carr Lake floods the lower reaches of the tributary streams, including Natividad Creek, flood.

The purpose of the Natividad Creek project is to restore a riparian and wetland system that will also serve as a floodwater detention basin designed to hold the runoff from the northeast area of the City resulting from a 2-year design storm. The proposed riparian and wetland system would be approximately 18.3 acres in size.

Construction of the project would require regrading the entire site (See figures 3-6) to enlarge the wetlands and reconfigure the creek channel. The City is proposing a wetland design that would include deep pools, deep marsh, shallow marsh, and riparian edge. Water levels in the wetland would be controlled by a new weir-sluice gate (See figure 3) constructed at the entrance to culvert under East Laurel Drive. The weir would also be used to regulate water levels during high runoff events to reduce flooding potential on the site and in Carr Lake. A sediment detention basin with a vortex boulder weir outlet is proposed at the upstream end of the wetland complex.

The applicant states the wetlands would be designed to support diverse riparian and wetland habitats, including cottonwood/willow riparian forest, and seasonal/ perennial wetland. Native wetland and riparian plant species would be used for revegetation. Native oak woodland/grassland would be established in the upland areas adjacent to the wetlands. In addition, an interpretive nature center (See figures 5-6), bicycle/pedestrian trails and a group camping area with five tent sites would be constructed within the upland areas.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the Central Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

5. **EVALUATION OF ALTERNATIVES:**

Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act, 33 U.S.C. Section 1344(b).

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an

evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to

determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may

also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: bsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.